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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,309	12/12/2003	Eric Keller	13670-001	7335
1059	7590	09/16/2008	EXAMINER	
BERESKIN AND PARR 40 KING STREET WEST BOX 401 TORONTO, ON M5H 3Y2 CANADA			PARKER, BRANDI P	
			ART UNIT	PAPER NUMBER
			3623	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/733,309	<b>Applicant(s)</b> KELLER ET AL.	
	<b>Examiner</b> BRANDI P. PARKER	<b>Art Unit</b> 3623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/24/2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

1. The following is a Final Office action in response to communications filed on June 24, 2008. Claims 1-27 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed June 24, 2008 have been fully considered but they are not persuasive.

3. With respect to Applicant's argument that Hockler does not disclose machine-readable location identification codes, Applicant has misconstrued Examiner's rejection. With respect to machine-readable location identification codes, Clark teaches assigning unique location codes to potential locations for tracking purposes (column/line 2/49-53). Therefore, Examiner respectfully disagrees with Applicant's argument.

4. Regarding Applicant's argument that Hockler does not disclose reading machine-readable location codes with a reader, Applicant has again misconstrued Examiner's rejection. With respect to reading machine-readable location codes, Clark teaches having bar codes that are optically scannable by scanners (column/line 16/58-63). One

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with ordinary skill in the art would interpret scanning a code as reading a code. Therefore, Examiner respectfully disagrees with Applicant's argument.

5. As to Applicant's argument that Hockler does not disclose recording service information data comprising the arrival time and departure time, Examiner respectfully disagrees. Specifically, Hockler teaches determining the total cumulative hours of an employee. However, in order to calculate the cumulative hours, the system in Hockler has to determine each arrival and departure time as per the language applicant disclosed in claim 1. Therefore, Examiner respectfully disagrees with Applicant's argument.

6. In response to applicant's argument that there is no suggestion to combine the references, Examiner respectfully disagrees. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art to include the business system of Clark with the ability to track and record arrival and departure time of a person at a particular location as taught by Hockler and the ability to providing task identifiers associated with a location as taught by Wiggins since the

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claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5, 8-17 and 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over P. Deborah Clark (US 5311423) in view of Hockler (US 4011434).

9. With respect to **claim 1, 9, 13 and 21-24** Clark teaches a location identification codes at a location, the method comprising:

- a. providing at least one machine-readable location identification code at the location to provide location information for the location (column/line 2/49-53);
- b. providing the person with a reader for reading the at least one machine-readable location identification code at the location (column/line 16/58-63);

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Clark does not explicitly teach tracking and recording the arrival and departure time of a person at a particular location. However Hockler teaches:

- c. on arrival of the person at the location, reading a first-read machine-readable location identification code in the at least one machine-readable location identification code using the reader and determining an arrival time based on when the first-read machine-readable location identification code is read (column/line 2/61-3/2);
- d. on departure of the person from the location, reading a last-read machine-readable location identification code in the at least one machine-readable location identification code using the reader and determining a departure time based on when the last-read machine-readable location identification code is read (column/line 2/61-3/2); and
- e. recording service information data comprising the arrival time and the departure time (column/line 2/61-3/2).

It would have been obvious to one of ordinary skill in the art to include the business system of Clark with the ability to track and record the arrival and departure time of a person at a particular location as taught by Hockler since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

10. **Claims 2-4 and 14-16** are rejected under the same rationale as claims 1 and 13.

11. Regarding **claim 3**, Hockler teaches storing identification information for the person such that the service information data further comprises the identification information for the person (column/line 47-50).

12. As to **claims 5 and 17**, Clark teaches providing at least one of a shift report for the person over a selected time interval, a location report for the location over a selected time interval (column/line 17/28-40).

With respect to **claims 8 and 20**, Hockler or Clark does not explicitly teach where the reader comprises a wireless transmitter, and transmitting the arrival time and the departure time from the reader to a storage device. However, the inclusion of the badge reader/recorder 101 of Hockler or the portable scanner 74 of Clark with a wireless transmitter is obvious in view of combination of the two prior art patents, the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

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13. **Claims 6-7, 10-12 and 18-19** are rejected by Clark and Hockler in further view of Wiggins (US 3648243).

14. With respect to **claims 6, 11 and 18**, Clark modified by Hockler teaches the method of tracking time spent at a location. However Clark modified by Hockler does not explicitly teach providing task identifiers association with the location. Wiggins teaches :

f. providing at least one machine-readable task identifier at the location, wherein an associated machine-readable location identification code and associated task identification information are determinable from the at least one machine-readable task identifier, the associated machine-readable location identification code being included in the at least one machine-readable location identification code (abstract, column/line 1/35-42, claim 1);

g. reading the first-read machine-readable location identification code from a first-read machine-readable task identifier in the at least one machine-readable task identifier on arrival of the person at the location (abstract, column/line 1/35-42, claim 1);

h. reading the last-read machine-readable location identification code from a last-read machine-readable task identifier in the at least one machine-readable task identifier on departure of the person from the location (abstract, column/line 1/35-42, claim 1) and



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- i. the service information data comprises the associated task identification information for each machine-readable task identifier in the at least one machine-readable task identifier at the location (abstract, column/line 1/35-42, claim 1).

It would have been obvious to one of ordinary skill in the art to include the business system of Clark and Hockler with the ability to providing task identifiers association with the location as taught by Wiggins since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

15. **Claims 7 and 19** are rejected under the same rationale as claims 6 and 18.

16. As to **claim 10**, Clark teaches uploading the service information data from the reader to a storage device (column/line 16/59-63).

17. With respect to **claim 12**, Clark teaches one machine-readable location identification code comprises a single code only such that the first-read machine-readable location identification code and the last-read machine-readable location identification code are identical (column/line 16/53-58).

***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI P. PARKER whose telephone number is (571) 272-9796. The examiner can normally be reached on Mon-Thurs. 8-5pm.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRANDI P PARKER/  
Examiner, Art Unit 3623

/Andre Boyce/  
Primary Examiner, Art Unit 3623